



Sen. John J. Cullerton

**Filed: 2/28/2006**

09400SB2568sam002

LRB094 18441 RLC 56739 a

1 AMENDMENT TO SENATE BILL 2568

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2568, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Cannabis Control Act is amended by changing  
6 Sections 3 and 8 and by adding the heading of Article 1 and the  
7 heading of Article 2 and Sections 205, 210, 215, 220, 225, 230,  
8 235, 240, 245, and 250 as follows:

9 (720 ILCS 550/Art. 1 heading new)

10 ARTICLE 1. CANNABIS CONTROL

11 (720 ILCS 550/3) (from Ch. 56 1/2, par. 703)

12 Sec. 3. As used in this Act, unless the context otherwise  
13 requires:

14 (a) "Cannabis" includes marihuana, hashish and other  
15 substances which are identified as including any parts of the  
16 plant Cannabis Sativa, whether growing or not; the seeds  
17 thereof, the resin extracted from any part of such plant; and  
18 any compound, manufacture, salt, derivative, mixture, or  
19 preparation of such plant, its seeds, or resin, including  
20 tetrahydrocannabinol (THC) and all other cannabino  
21 derivatives, including its naturally occurring or  
22 synthetically produced ingredients, whether produced directly  
23 or indirectly by extraction, or independently by means of

1 chemical synthesis or by a combination of extraction and  
2 chemical synthesis; but shall not include the mature stalks of  
3 such plant, fiber produced from such stalks, oil or cake made  
4 from the seeds of such plant, any other compound, manufacture,  
5 salt, derivative, mixture, or preparation of such mature stalks  
6 (except the resin extracted therefrom), fiber, oil or cake, or  
7 the sterilized seed of such plant which is incapable of  
8 germination.

9 (b) "Casual delivery" means the delivery of not more than  
10 10 grams of any substance containing cannabis without  
11 consideration.

12 (c) For purposes of Article 1, "Department" means the  
13 Illinois Department of Human Services (as successor to the  
14 Department of Alcoholism and Substance Abuse) or its successor  
15 agency.

16 (d) "Deliver" or "delivery" means the actual, constructive  
17 or attempted transfer of possession of cannabis, with or  
18 without consideration, whether or not there is an agency  
19 relationship.

20 (e) "Department of State Police" means the Department of  
21 State Police of the State of Illinois or its successor agency.

22 (f) "Director" means the Director of the Department of  
23 State Police or his designated agent.

24 (g) "Local authorities" means a duly organized State,  
25 county, or municipal peace unit or police force.

26 (h) "Manufacture" means the production, preparation,  
27 propagation, compounding, conversion or processing of  
28 cannabis, either directly or indirectly, by extraction from  
29 substances of natural origin, or independently by means of  
30 chemical synthesis, or by a combination of extraction and  
31 chemical synthesis, and includes any packaging or repackaging  
32 of cannabis or labeling of its container, except that this term  
33 does not include the preparation, compounding, packaging, or  
34 labeling of cannabis as an incident to lawful research,

1 teaching, or chemical analysis and not for sale.

2 (i) "Person" means any individual, corporation, government  
3 or governmental subdivision or agency, business trust, estate,  
4 trust, partnership or association, or any other entity.

5 (j) "Produce" or "production" means planting, cultivating,  
6 tending or harvesting.

7 (k) "State" includes the State of Illinois and any state,  
8 district, commonwealth, territory, insular possession thereof,  
9 and any area subject to the legal authority of the United  
10 States of America.

11 (l) "Subsequent offense" means an offense under this Act,  
12 the offender of which, prior to his conviction of the offense,  
13 has at any time been convicted under this Act or under any laws  
14 of the United States or of any state relating to cannabis, or  
15 any controlled substance as defined in the Illinois Controlled  
16 Substances Act.

17 (Source: P.A. 89-507, eff. 7-1-97.)

18 (720 ILCS 550/8) (from Ch. 56 1/2, par. 708)

19 Sec. 8. It is unlawful for any person knowingly to produce  
20 the cannabis sativa plant or to possess such plants or to  
21 deliver such plants unless production or possession has been  
22 authorized pursuant to the provisions of Article 2 Section 11  
23 of the Act.

24 (1) Any person who violates this Section with respect to  
25 production or possession of:

26 (a) Not more than 5 plants is guilty of a Class A  
27 misdemeanor, except that a violation under paragraph (2) of  
28 this Section is a Class 4 felony.

29 (b) More than 5, but not more than 20 plants, is guilty of  
30 a Class 4 felony, except that a violation under paragraph (2)  
31 of this Section is a Class 3 felony.

32 (c) More than 20, but not more than 50 plants, is guilty of  
33 a Class 3 felony, except that a violation under paragraph (2)

1 of this Section is a Class 2 felony.

2 (d) More than 50 plants is guilty of a Class 2 felony,  
3 except that a violation under paragraph (2) of this Section is  
4 a Class 1 felony, for which a fine not to exceed \$100,000 may  
5 be imposed and for which liability for the cost of conducting  
6 the investigation and eradicating such plants may be assessed.  
7 Compensation for expenses incurred in the enforcement of this  
8 provision shall be transmitted to and deposited in the  
9 treasurer's office at the level of government represented by  
10 the Illinois law enforcement agency whose officers or employees  
11 conducted the investigation or caused the arrest or arrests  
12 leading to the prosecution, to be subsequently made available  
13 to that law enforcement agency as expendable receipts for use  
14 in the enforcement of laws regulating controlled substances and  
15 cannabis. If such seizure was made by a combination of law  
16 enforcement personnel representing different levels of  
17 government, the court levying the assessment shall determine  
18 the allocation of such assessment. The proceeds of assessment  
19 awarded to the State treasury shall be deposited in a special  
20 fund known as the Drug Traffic Prevention Fund.

21 (2) Any person authorized pursuant to the provisions of  
22 Article 2 of this Act to produce or possess the cannabis sativa  
23 plant, who knowingly produces the cannabis sativa plant or  
24 possesses such plants or delivers such plants except as  
25 provided for in Article 2, is guilty of violating this Section.  
26 Any violation of this paragraph (2) shall be punished according  
27 to the number of plants involved in the violation as provided  
28 in paragraph (1) of this Section.

29 (Source: P.A. 84-1233.)

30 (720 ILCS 550/Art. 2 heading new)

31 ARTICLE 2. MEDICAL CANNABIS

32 (720 ILCS 550/205 new)

1       Sec. 205. Findings.

2       (a) Modern medical research has discovered beneficial uses  
3 for cannabis in treating or alleviating the pain, nausea, and  
4 other symptoms associated with certain debilitating medical  
5 conditions, as found by the National Academy of Sciences'  
6 Institute of Medicine in March 1999.

7       (b) Although federal law currently prohibits any use of  
8 cannabis, the laws of Alaska, California, Colorado, Hawaii,  
9 Maine, Montana, Nevada, Oregon, Rhode Island, Vermont, and  
10 Washington permit the medical use and cultivation of cannabis.  
11 Illinois joins in this effort for the health and welfare of its  
12 citizens.

13       (c) State law should make a distinction between the medical  
14 and non-medical use of cannabis. Hence, the purpose of this  
15 Article 2 is to protect patients with debilitating medical  
16 conditions, and their practitioners and primary caregivers,  
17 from arrest and prosecution, criminal and other penalties, and  
18 property forfeiture if such patients engage in the medical use  
19 of cannabis.

20       (d) The people of the State of Illinois declare that they  
21 enact this Article 2 pursuant to the police power to protect  
22 the health of its citizens that is reserved to the State of  
23 Illinois and its people under the Tenth Amendment to the United  
24 States Constitution.

25       (720 ILCS 550/210 new)

26       Sec. 210. Definitions. The following terms, as used in this  
27 Article, shall have the meanings set forth in this Section:

28       "Debilitating medical condition" means:

29       (1) cancer, glaucoma, positive status for human  
30 immunodeficiency virus, acquired immune deficiency  
31 syndrome, or Hepatitis C;

32       (2) a chronic or debilitating disease or medical  
33 condition that produces one or more of the following:

1 cachexia or wasting syndrome; severe or chronic pain;  
2 severe nausea; seizures, including but not limited to those  
3 characteristic of epilepsy; severe and persistent muscle  
4 spasms, including but not limited to those characteristic  
5 of multiple sclerosis and Crohn's disease; or agitation of  
6 Alzheimer's disease; or

7 (3) any other medical condition approved by the  
8 Department, as provided for in subsection (a) of Section  
9 220.

10 For purposes of Article 2, "Department" means the  
11 Department of Public Health.

12 "Cannabis" has the meaning given that term in Section 3 of  
13 this Act.

14 "Indoor locked facility" means a building, closet, room, or  
15 other indoor area equipped with locks or other security devices  
16 that permit access only by a registered caregiver or registered  
17 patient.

18 "Medical use" means the acquisition, possession,  
19 cultivation, manufacture, use, delivery, transfer, or  
20 transportation of cannabis or paraphernalia relating to the  
21 consumption of cannabis to alleviate a registered qualifying  
22 patient's debilitating medical condition or symptoms  
23 associated with the medical condition.

24 "Practitioner" means a physician licensed to practice  
25 medicine in all its branches, an advanced practice nurse who  
26 has a written collaborative agreement with the physician that  
27 authorizes the provision of written certifications under this  
28 Article 2, or a physician assistant who has been delegated the  
29 authority to provide written certifications under this Article  
30 2.

31 "Primary caregiver" means a person who is at least 18 years  
32 old and who has agreed to assist with a person's medical use of  
33 cannabis. A primary caregiver may assist no more than 3  
34 qualifying patients with their medical use of cannabis.

1       "Qualifying patient" means a person who has been diagnosed  
2 by a practitioner as having a debilitating medical condition.

3       "Registry identification card" means a document issued by  
4 the Department that identifies a person as a qualifying patient  
5 or primary caregiver.

6       "Usable cannabis" means the dried leaves and flowers of the  
7 cannabis plant, and any mixture or preparation thereof, but  
8 does not include the seeds, stalks, and roots of the plant.

9       "Written certification" means the qualifying patient's  
10 medical records, or a statement signed by a practitioner,  
11 stating that in the practitioner's professional opinion the  
12 potential benefits of the medical use of cannabis would likely  
13 outweigh the health risks for the qualifying patient. A written  
14 certification shall only be made in the course of a bona fide  
15 practitioner-patient relationship after the practitioner has  
16 completed a full assessment of the qualifying patient's medical  
17 history. The written certification shall specify the  
18 qualifying patient's debilitating medical condition or  
19 conditions.

20       (720 ILCS 550/215 new)

21       Sec. 215. Protections for the medical use of cannabis.

22       (a) A qualifying patient who has in his or her possession a  
23 registry identification card shall not be subject to arrest,  
24 prosecution, or penalty in any manner, or denied any right or  
25 privilege, including but not limited to civil penalty or  
26 disciplinary action by a business or occupational or  
27 professional licensing board or bureau, for the medical use of  
28 cannabis, provided that the qualifying patient possesses an  
29 amount of cannabis that does not exceed 8 cannabis plants and  
30 two and one-half ounces of usable cannabis, which must be grown  
31 in an indoor locked facility.

32       (b) A primary caregiver who has in his or her possession a  
33 registry identification card shall not be subject to arrest,

1 prosecution, or penalty in any manner, or denied any right or  
2 privilege, including but not limited to civil penalty or  
3 disciplinary action by a business or occupational or  
4 professional licensing board or bureau, for assisting a  
5 qualifying patient to whom he or she is connected through the  
6 Department's registration process with the medical use of  
7 cannabis, provided that the primary caregiver possesses an  
8 amount of cannabis that does not exceed 8 cannabis plants and  
9 two and one-half ounces of usable cannabis for each qualifying  
10 patient to whom he or she is connected through the Department's  
11 registration process, which must be grown in an indoor locked  
12 facility.

13 (c) No school, employer, or landlord may refuse to enroll,  
14 employ, lease to, or otherwise penalize a person solely for his  
15 or her status as a registered qualifying patient or a  
16 registered primary caregiver.

17 (d) There shall exist a presumption that a qualifying  
18 patient or primary caregiver is engaged in the medical use of  
19 cannabis if the qualifying patient or primary caregiver:

20 (1) is in possession of a registry identification card;

21 and

22 (2) is in possession of an amount of cannabis that does  
23 not exceed the amount permitted under this Article 2. Such  
24 presumption may be rebutted by evidence that conduct  
25 related to cannabis was not for the purpose of alleviating  
26 the qualifying patient's debilitating medical condition or  
27 symptoms associated with the medical condition.

28 (e) A primary caregiver may receive reimbursement for costs  
29 associated with assisting with a registered qualifying  
30 patient's medical use of cannabis. Compensation shall not  
31 constitute sale of controlled substances.

32 (f) A practitioner shall not be subject to arrest,  
33 prosecution, or penalty in any manner, or denied any right or  
34 privilege, including but not limited to civil penalty or

1 disciplinary action by the Medical Disciplinary Board or by  
2 another business or occupational or professional licensing  
3 board or bureau solely for providing written certifications or  
4 for otherwise stating that, in the practitioner's professional  
5 opinion, the potential benefits of the medical cannabis would  
6 likely outweigh the health risks for a patient.

7 Any interest in or right to property that is possessed,  
8 owned, or used in connection with the medical use of cannabis,  
9 or acts incidental to such use, shall not be forfeited.

10 (g) No person shall be subject to arrest or prosecution for  
11 constructive possession, conspiracy, aiding and abetting,  
12 being an accessory, or any other offense for simply being in  
13 the presence or vicinity of the medical use of cannabis as  
14 permitted under this Article 2 or for assisting a registered  
15 qualifying patient with using or administering cannabis.

16 (h) A registry identification card, or its equivalent,  
17 issued under the laws of another state, U.S. territory, or the  
18 District of Columbia to permit the medical use of cannabis by a  
19 qualifying patient, or to permit a person to assist with a  
20 qualifying patient's medical use of cannabis, shall have the  
21 same force and effect as a registry identification card issued  
22 by the Department.

23 (720 ILCS 550/220 new)

24 Sec. 220. Department to adopt rules.

25 (a) Not later than 90 days after the effective date of this  
26 Article 2, the Department shall, with notice to the Department  
27 of State Police, adopt rules governing the manner in which it  
28 shall consider petitions from the public to add debilitating  
29 medical conditions to those included in this Article 2. In  
30 considering such petitions, the Department shall include  
31 public notice of, and an opportunity to comment in a public  
32 hearing upon, such petitions. The Department shall, after  
33 hearing, approve or deny such petitions within 180 days after

1 submission. The approval or denial of such a petition shall be  
2 considered a final Department action, subject to judicial  
3 review. Jurisdiction and venue for judicial review are vested  
4 in the circuit court. The denial of a petition shall not  
5 disqualify qualifying patients with that condition if they have  
6 a debilitating medical condition. The denial of a petition  
7 shall not prevent a person with the denied condition from  
8 raising an affirmative defense.

9 (b) Not later than 90 days after the effective date of this  
10 Article 2, the Department shall adopt rules governing the  
11 manner in which it shall consider applications for and renewals  
12 of registry identification cards for qualifying patients and  
13 primary caregivers. The Department's rules shall establish  
14 application and renewal fees that generate revenues sufficient  
15 to offset all expenses of implementing and administering this  
16 Article 2. The fee shall include an additional \$2 per registry  
17 identification card which shall be allocated to drug treatment  
18 and prevention. The Department may vary the application and  
19 renewal fees along a sliding scale that accounts for a  
20 qualifying patient's income. The Department may accept  
21 donations from private sources in order to reduce the  
22 application and renewal fees.

23 (720 ILCS 550/225 new)

24 Sec. 225. Administering the Department's rules.

25 (a) The Department shall issue registry identification  
26 cards to qualifying patients who submit the following, in  
27 accordance with the Department's rules:

28 (1) written certification;

29 (2) application or renewal fee;

30 (3) name, address, and date of birth of the qualifying  
31 patient, except that if the applicant is homeless, no  
32 address is required;

33 (4) name, address, and telephone number of the

1 qualifying patient's practitioner; and

2 (5) name, address, and date of birth of the primary  
3 caregiver of the qualifying patient, if any.

4 (b) The Department shall not issue a registry  
5 identification card to a qualifying patient under the age of 18  
6 unless:

7 (1) The qualifying patient's practitioner has  
8 explained the potential risks and benefits of the medical  
9 use of cannabis to the qualifying patient and to a parent,  
10 guardian, or person having legal custody of the qualifying  
11 patient; and

12 (2) A parent, guardian, or person having legal custody  
13 consents in writing to:

14 (A) allow the qualifying patient's medical use of  
15 cannabis;

16 (B) serve as the qualifying patient's primary  
17 caregiver; and

18 (C) control the acquisition of the cannabis, the  
19 dosage, and the frequency of the medical use of  
20 cannabis by the qualifying patient.

21 (c) The Department shall verify the information contained  
22 in an application or renewal submitted pursuant to this  
23 Section, and shall approve or deny an application or renewal  
24 within 15 days of receiving it. The Department may deny an  
25 application or renewal only if the applicant did not provide  
26 the information required pursuant to this Section, or if the  
27 Department determines that the information provided was  
28 falsified. Rejection of an application or renewal is considered  
29 a final Department action, subject to judicial review under the  
30 Administrative Review Law. Jurisdiction and venue for judicial  
31 review are vested in the circuit court.

32 (d) The Department shall issue a registry identification  
33 card to the primary caregiver, if any, who is named in a  
34 qualifying patient's approved application. No more than one

1 primary caregiver may be named in a qualifying patient's  
2 application.

3 (e) The Department shall issue registry identification  
4 cards within 5 days of approving an application or renewal,  
5 which shall expire one year after the date of issuance.  
6 Registry identification cards shall contain:

7 (1) the name, address, and date of birth of the  
8 qualifying patient;

9 (2) the name, address, and date of birth of the primary  
10 caregiver of the qualifying patient, if any;

11 (3) the date of issuance and expiration date of the  
12 registry identification card;

13 (4) a unique random registry identification number;  
14 and

15 (5) a recent photograph.

16 (f)(1) A qualifying patient who has been issued a  
17 registry identification card shall notify the Department  
18 of any change in the qualifying patient's name, address, or  
19 primary caregiver, or if the qualifying patient ceases to  
20 have his or her debilitating medical condition, within 10  
21 days of such change.

22 (2) A registered qualifying patient who fails to notify  
23 the Department of any of these changes is responsible for a  
24 civil infraction, punishable by a fine of no more than  
25 \$150. If the person has ceased to suffer from a  
26 debilitating medical condition, the card shall be deemed  
27 null and void and the person shall be liable for any other  
28 penalties that may apply to the person's non-medical use of  
29 cannabis.

30 (3) A registered primary caregiver shall notify the  
31 Department of any change in his or her name or address  
32 within 10 days of such change. A primary caregiver who  
33 fails to notify the Department of any of these changes is  
34 responsible for a civil infraction, punishable by a fine of

1       no more than \$150.

2       (4) When a qualifying patient or primary caregiver  
3       notifies the Department of any changes listed in this  
4       subsection (f), the Department shall issue the registered  
5       qualifying patient and the primary caregiver a new registry  
6       identification card within 10 days of receiving the updated  
7       information and a \$10 fee.

8       (5) When a qualifying patient who possesses a registry  
9       identification card changes his or her primary caregiver,  
10       the Department shall notify the primary caregiver within 10  
11       days. The primary caregiver's protections as provided in  
12       this Article 2 shall expire 10 days after notification by  
13       the Department.

14       (6) If a registered qualifying patient or a primary  
15       caregiver loses his or her registry identification card, he  
16       or she shall notify the Department and submit a \$10 fee  
17       within 10 days of losing the card. Within 5 days, the  
18       Department shall issue a new registry identification card  
19       with a new random identification number.

20       (g) Possession of, or application for, a registry  
21       identification card does not constitute probable cause or  
22       reasonable suspicion, nor may it be used to support the search  
23       of the person or property of the person possessing or applying  
24       for the registry identification card, or otherwise subject the  
25       person or property of the person to inspection by any  
26       governmental agency.

27       (h) (1) Applications and supporting information  
28       submitted by qualifying patients, including information  
29       regarding their primary caregivers and practitioners, are  
30       confidential and protected under the federal Health  
31       Insurance Portability and Accountability Act of 1996 and  
32       when applicable, the AIDS Confidentiality Act.

33       (2) The Department shall maintain a confidential list  
34       of the persons to whom the Department has issued registry

1 identification cards. Individual names and other  
2 identifying information on the list shall be confidential,  
3 exempt from the Freedom of Information Act, and not subject  
4 to disclosure, except to authorized employees of the  
5 Department as necessary to perform official duties of the  
6 Department.

7 (3) The Department shall make available to law  
8 enforcement personnel a secure website whereby law  
9 enforcement can determine whether a registry  
10 identification card is valid solely by entering the random  
11 identification number. The secure website shall return  
12 data as it appears on the registry identification card,  
13 which includes the digital photo used on the card, name,  
14 address, and date of birth.

15 (4) It is a Class B misdemeanor for any person,  
16 including an employee or official of the Department or  
17 another State agency or local government, to breach the  
18 confidentiality of information obtained pursuant to this  
19 Article 2. Notwithstanding this provision, Department  
20 employees may notify law enforcement about falsified or  
21 fraudulent information submitted to the Department.

22 (i) The Department shall report annually to the General  
23 Assembly on the number of applications for registry  
24 identification cards, the number of qualifying patients and  
25 primary caregivers approved, the nature of the debilitating  
26 medical conditions of the qualifying patients, the number of  
27 registry identification cards revoked, and the number of  
28 practitioners providing written certification for qualifying  
29 patients. The Department shall not provide any information  
30 identifying qualifying patients, primary caregivers, or  
31 practitioners.

32 (720 ILCS 550/230 new)

33 Sec. 230. Scope of Article 2.

1       (a) This Article 2 does not permit:

2           (1) any person to undertake any task under the  
3 influence of cannabis, when doing so would constitute  
4 negligence or professional malpractice;

5           (2) the smoking of cannabis:

6           (A) in a school bus or other form of public  
7 transportation;

8           (B) on any school grounds;

9           (C) in any correctional facility; or

10          (D) in any public place; and

11          (3) any person to operate, navigate, or be in actual  
12 physical control of any motor vehicle, aircraft, or  
13 motorboat while under the influence of cannabis. However, a  
14 registered qualifying patient may not be considered to be  
15 under the influence solely for having cannabis metabolites  
16 in his or her system.

17       (b) Nothing in this Article 2 shall be construed to  
18 require:

19           (1) a government medical assistance program or private  
20 health insurer to reimburse a person for costs associated  
21 with the medical use of cannabis; or

22           (2) an employer to accommodate the medical use of  
23 cannabis in any workplace.

24       (720 ILCS 550/235 new)

25       Sec. 235. Affirmative defense and dismissal for medical  
26 cannabis.

27       (a) Except as provided in Section 230, a person and a  
28 person's primary caregiver, if any, may assert the medical  
29 purpose for using cannabis as a defense to any prosecution  
30 involving cannabis, and such defense shall be presumed valid  
31 where the evidence shows that:

32           (1) the person's medical records indicate, or a  
33 practitioner has stated that, in the practitioner's

1 professional opinion, after having completed a full  
2 assessment of the person's medical history and current  
3 medical condition made in the course of a bona fide  
4 practitioner-patient relationship, the potential benefits  
5 of using cannabis for medical purposes would likely  
6 outweigh the health risks for the person; and

7 (2) the person and the person's primary caregiver, if  
8 any, were collectively in possession of a quantity of  
9 cannabis that was not more than was reasonably necessary to  
10 ensure the uninterrupted availability of cannabis for the  
11 purpose of alleviating the person's medical condition or  
12 symptoms associated with the medical condition.

13 (b) A person may assert the medical purpose for using  
14 cannabis in a motion to dismiss, and the charges shall be  
15 dismissed following an evidentiary hearing where the defendant  
16 shows the elements listed in subsection (a) of this Section.

17 (c) Any interest in or right to property that was  
18 possessed, owned, or used in connection with a person's use of  
19 cannabis for medical purposes shall not be forfeited if the  
20 person or the person's primary caregiver demonstrates the  
21 person's medical purpose for using cannabis pursuant to this  
22 Section.

23 (720 ILCS 550/240 new)

24 Sec. 240. Enforcement of this Article 2.

25 (a) Within 30 days after the effective date of this Article  
26 2, the Department shall adopt emergency rules to implement this  
27 Article 2. Within 6 months after the effective date of this  
28 Article 2, a task force consisting of the Directors or their  
29 designees of the Departments of Public Health and State Police  
30 and the Secretary of Human Services or his or her designee; 2  
31 members of the House of Representatives appointed by the  
32 Speaker of the House of Representatives; 2 members of the  
33 Senate appointed by the President of the Senate; one member of

1 the House of Representatives appointed by the House Minority  
2 Leader; and one member of the Senate appointed by the Senate  
3 Minority Leader shall act to implement permanent rules. In  
4 addition the Speaker and the President shall appoint one person  
5 each involved in patient services or advocacy. If the  
6 Department fails to adopt rules to implement this Article 2  
7 within 6 months after the effective date of this Article 2, a  
8 qualifying patient may commence an action in a court of  
9 competent jurisdiction to compel the Department to perform the  
10 actions mandated pursuant to the provisions of this Article 2.

11 (b) If the Department fails to issue a valid registry  
12 identification card in response to a valid application  
13 submitted pursuant to this Article 2 within 20 days of its  
14 submission, the registry identification card shall be deemed  
15 granted and a copy of the registry identification application  
16 shall be deemed a valid registry identification card.

17 (720 ILCS 550/245 new)

18 Sec. 245. Non-profit dispensaries.

19 (a) "Registered organization" means a non-profit entity  
20 registered with the State under this Article 2 that acquires,  
21 possesses, cultivates, manufactures, delivers, transfers,  
22 transports, supplies, or dispenses cannabis, cultivation  
23 equipment, related supplies and educational materials, or  
24 cannabis seeds to registered qualifying patients. A registered  
25 organization is a primary caregiver, although it may supply  
26 cannabis to any number of registered qualifying patients who  
27 have designated it as their primary caregiver.

28 (b) (1) The Department shall issue a registered  
29 organization license within 20 days to any person who  
30 complies with this Article 2, including the limitations in  
31 subsection (i), and Department rules and provides the  
32 following:

33 (A) a fee paid to the Department in the amount

1 established by the Department, which shall not exceed  
2 \$1,000;

3 (B) the name of the registered organization;

4 (C) the physical addresses of the registered  
5 organization and any other real property where  
6 cannabis is to be possessed, cultivated, manufactured,  
7 supplied, or dispensed relating to the operations of  
8 the registered organization; and

9 (D) the name, address, date of birth, and  
10 photograph of any person who is an agent of or employed  
11 by the registered organization.

12 (2) The Department shall issue each agent and employee  
13 of a registered organization a registry identification  
14 card for a cost of \$10 each within 10 days of receipt of  
15 the person's identifying information and the fee. Each card  
16 shall specify that the cardholder is an employee or agent  
17 of a registered organization.

18 (3) Each license for a registered organization and each  
19 employee or agent registry identification card shall  
20 expire one year after the date of issuance.

21 (4) Not later than 90 days after the effective date of  
22 this Article 2, the Department shall promulgate rules to  
23 implement this Section, including the following:

24 (A) procedures for the oversight of registered  
25 organizations, record-keeping and reporting  
26 requirements for registered organizations, the  
27 potential transfer or sale of seized cultivation  
28 equipment and related supplies from law enforcement  
29 agencies to registered organizations, and procedures  
30 for suspending or terminating the registration of  
31 registered organizations; and

32 (B) the form and content of the registration and  
33 renewal applications.

34 (c) Registered organizations shall be subject to

1 reasonable inspection by the Department to determine that  
2 applicable rules are being followed. Reasonable notice shall be  
3 given prior to these inspections.

4 (d) (1) Registered organizations shall be established  
5 as nonprofit entities. They shall be subject to all  
6 applicable State laws governing nonprofit entities, but  
7 need not be recognized as a 501(c)(3) organization by the  
8 Internal Revenue Service.

9 (2) Registered organizations may not be located within  
10 500 feet of the property line of a public school, private  
11 school, or structure used primarily for religious services  
12 or worship.

13 (3) The operating documents of a registered  
14 organization shall include procedures for the oversight of  
15 the registered organization and procedures to ensure  
16 adequate record-keeping.

17 (e) (1) A registered organization shall notify the  
18 Department within 10 days of when an employee or agent  
19 ceases to work at the registered organization.

20 (2) The registered organization shall notify the  
21 Department before a new agent or employee begins working at  
22 the registered organization, in writing, and it shall  
23 submit a \$10 fee for that person's registry identification  
24 card.

25 (f) (1) No registered organization shall be subject to  
26 prosecution, search, seizure, or penalty in any manner, or  
27 denied any right or privilege, including but not limited to  
28 civil penalty or disciplinary action by a business or  
29 occupational or professional licensing board or bureau for  
30 acting in accordance with this Article 2 and the rules  
31 issued pursuant to this Article 2 to assist registered  
32 qualifying patients to whom it is connected through the  
33 Department's registration process with the medical use of  
34 cannabis, provided that the registered organization

1 possesses an amount of cannabis which does not exceed 8  
2 cannabis plants and two and one-half ounces of usable  
3 cannabis for each registered qualifying patient.

4 (2) No employees, agents, or board members of a  
5 registered organization shall be subject to arrest,  
6 prosecution, search, seizure, or penalty in any manner, or  
7 denied any right or privilege, including but not limited to  
8 civil penalty or disciplinary action by a business or  
9 occupational or professional licensing board or bureau,  
10 for working for a registered organization in accordance  
11 with this Article 2.

12 (3) Applications and supporting information submitted  
13 by registered organizations, including licenses and  
14 information regarding their patients, primary caregivers,  
15 agents and employees of the organization are confidential  
16 and when applicable protected under the federal Health  
17 Insurance Portability and Accountability Act of 1996 and  
18 the AIDS Confidentiality Act.

19 (g) The registered organization is prohibited from:

20 (1) obtaining cannabis from outside the State in  
21 violation of federal law;

22 (2) acquiring, possessing, cultivating, manufacturing,  
23 delivering, transferring, transporting, supplying, or  
24 dispensing cannabis for any purpose except to assist  
25 registered qualifying patients with their medical use of  
26 cannabis.

27 (h) Except as provided in this Article 2, a municipality  
28 may not prevent a registered organization from operating in  
29 accordance with this Article 2 in an area where zoning permits  
30 retail businesses. This subsection (h) is a limitation under  
31 subsection (i) of Section 6 of Article VII of the Illinois  
32 Constitution on the concurrent exercise by home rule units of  
33 powers and functions exercised by the State.

34 (i) The number of licenses for registered organizations

1 that the Department issues shall be limited to one registered  
2 organization license for each municipality with a population of  
3 50,000 or more, except that a municipality with a population of  
4 1,000,000 or more shall be limited to 15 registered  
5 organization licenses.

6 (j) If provisions of this Article 2 establishing registered  
7 organizations are enjoined or declared unconstitutional, then  
8 enforcing laws against delivery of cannabis for consideration  
9 to registered qualifying patients shall be the lowest priority  
10 of law enforcement.

11 (720 ILCS 550/250 new)

12 Sec. 250. Application. In the event of a conflict between  
13 this Article 2 and Article 1 of this Act, the provisions of  
14 this Article 2 shall control.

15 (720 ILCS 550/11 rep.)

16 Section 10. The Cannabis Control Act is amended by  
17 repealing Section 11.

18 Section 95. Severability. The provisions of this Act are  
19 severable under Section 1.31 of the Statute on Statutes.

20 Section 99. Effective date. This Act takes effect upon  
21 becoming law.".